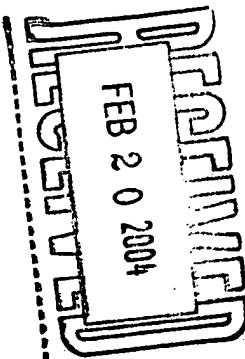




PATENT  
1794-0148P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: AOKI, Kanna et al. Conf. No.: 6134  
Appl. No.: 10/058,337 Group: 2829  
Filed: January 30, 2002 Examiner: E.T. Pert  
For: THREE-DIMENSIONAL PHOTONIC CRYSTAL AND  
PROCESS FOR PRODUCTION THEREOF AS WELL  
AS PROBE USED THEREFORE



DECLARATION UNDER 37 C.F.R. § 1.131

Assistant Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned Applicants herewith declare that they are the inventors of the invention defined by claims 1-4 in U.S. Patent Appl. 10/058,337 filed January 30, 2002. Applicants furthermore declare that the invention was conceived no later than August 10, 2000 as indicated in the attached memorandum of that date by inventor Hideki Hirayama. This memorandum shows substantially all of the features of the present invention. The present invention was pursued with diligence from the date of the memorandum until the filing of a Japanese patent application on July 27, 2001. The present U.S. application claims priority to this Japanese application.

Based on the attached memorandum, inventor Kanna Aoki conducted experiments to realize the concept which is presented in the memorandum. Since inventor Hideki Miyazaki possessed the technology and equipment for laminating two-dimensional photonic crystal plates, he was asked to support the experiment and was involved in the development of the invention. Inventor Yoshinobu Aoyagi also participated in the full realization of the invention. After the invention was fully developed, the Japanese patent application was filed on July 27, 2001. Accordingly,

the invention was conceived no later than August 10, 2000 and due diligence was practiced from the date of conception to the filing of the Japanese patent application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Kanna Aoki  
Kanna AOKI

Hideki Hirayama  
Hideki HIRAYAMA

Yoshinobu AOYAGI  
Yoshinobu AOYAGI

Hideki Miyazaki  
Hideki MIYAZAKI

January 14, 2004  
Date

Jan. 11, 2004  
Date

Feb. 3. 2004  
Date

Jan 21, 2004  
Date